

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD GERALD ORR,

Plaintiff,

v.

GARRY E. LUCAS, JACKIE BATTIES,
MICHAEL ANDERSON, and JACK
HUFF,

Defendants.

No. C10-5648 RBL/KLS

ORDER DEFERRING RULING ON
DEFENDANTS' MOTION FOR MORE
DEFINITE STATEMENT

On October 28, 2010, Defendants Michael Anderson, Jackie Batties, Jack Huff, and Garry E. Lucas filed a Motion for More Definite Statement. ECF N. 16. The motion is noted for consideration by the court on November 12, 2010. *Id.* In the interim, however, mail addressed to Plaintiff Richard Gerald Orr was returned to the court on October 20, 2010 and October 25, 2010, marked as undeliverable and "not in custody." ECF Nos. 9 and 11. The court has no new address for Plaintiff on file.

Local Rule 41(b)(2) states:

A party proceeding pro se shall keep the court and opposing parties advised as to his current address. If mail directed to a pro-se plaintiff by the clerk is returned by the post office, and if such plaintiff fails to notify the court and opposing parties within sixty days thereafter of his current address, the court may dismiss the action without prejudice for failure to prosecute.

Therefore, unless Plaintiff notifies the court and opposing parties of his current address, the court will recommend that this action be dismissed without prejudice for failing to prosecute and Defendants' motion for more definite statement will be moot.

1 Accordingly, it is **ORDERED**:

2 (1) Plaintiff shall notify the court and opposing parties of his current address. If he
3 fails to do so, the court shall recommend dismissal of this action without prejudice for failure to
4 prosecute.

5 (2) The Clerk shall **strike** the noting date of Defendants' Motion for More Definite
6 Statement (ECF No. 16). The motion may be re-noted after Plaintiff provides his current
7 address.
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9 (3) The Clerk of the Court is directed to send copies of this Order to Plaintiff and to
10 counsel for Defendants.
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12 DATED this 3rd day of November, 2010.
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15 Karen L. Strombom
16 United States Magistrate Judge
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